

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 10/808,996 Confirmation : 6784  
Applicant(s) : Katsumi KARASAWA  
Filed : March 24, 2004  
Title : OPTICAL APPARATUS

Art Unit : 2622  
Examiner : David Louis OMETZ

Docket No. : 1232-5353  
Customer No. : 27123

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated November 1, 2006 identifies the following  
patentably distinct of inventions among the pending claims:

<b><u>Group</u></b>	<b><u>Claim(s)</u></b>
I	1-5 and 22
II	6-7 and 23
III	8-9 and 24
IV	10-12 and 25
V	13-15 and 26
VI	16-18 and 27
VII	19-21 and 28

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Paper dated November 29, 2006  
Reply to Restriction Reqt. dated November 1, 2006

In response to this Restriction Requirement, this paper provisionally elect to pursue prosecution of Group I. At least claims 1-5 and 22 are believed to be encompassed by that election.


This election is made with traverse. For such a requirement to be proper, “[t]here must be a serious burden on the examiner if restriction is not required.” M.P.E.P. § 803. It is respectfully submitted that (1) all the pending claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, the Restriction Requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

Should the Restriction Requirement be made final, the right is expressly reserved to present any withdrawn claims in divisional application(s). In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5353.

Dated: November 29, 2006

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.  
By:   
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